

HellerEhrman

ATTORNEYS

1666 K Street, NW, Suite 300
Washington, D.C. 20006-1228
Main: (202) 912-2000
Fax: (202) 912-2020

Facsimile Transmittal

RECEIVED

NOV 01 2002

TECH CENTER 1600/2900

To: Examiner Christine Saoud, USPTO

Telephone: 703-305-7519

Fax: 703-308-0294

To: SPE Gary Kunz, USPTO

Telephone: 703-308-4623

Fax: 703-746-5113

From: Patricia D. Granados

Telephone: (202) 912-2142

Direct Fax: (202) 912-2020

Please return to Kristy Canales

No. of Pages: 19 (including cover)

Date: November 1, 2002

4871/38163-0010

Message: RE: 08/455,975 Rubin Our Ref: 38163-0010

On October 30, 2002, we received the attached Notice of Abandonment mailed October 28, 2002, for failure to respond to the Final Office Action mailed March 12, 2002. Our Response, along with a Petition for a three month Extension of Time, Notice of Appeal and appropriate fees were filed on September 12, 2002. Copies of the date stamped receipt card, as well as copies of the documents as filed are attached. Please withdraw the abandonment, since apparently the originally filed papers were never matched with the USPTO file.

Thank you.

38804 v01.DC (TXW011.DOC)
11/1/02 9:39 AM (38005.0110)

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (202) 912-2000.

Heller Ehrman White & McAuliffe LLP www.hewm.com

New York Washington D.C. Montgomery Co., MD Madison, WI San Francisco Silicon Valley Los Angeles San Diego Seattle Portland Anchorage

Heller Ehrman White & McAuliffe
1666 K Street, NW, Suite 300
Washington, DC 20006-1228

Date: September 12, 2002

Docket No.: 38163-0010

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the following:

Applicant: Jeffrey S. RUBIN et al.

Application Serial No.: 08/455,975

Application Filed: May 31, 1995

Title: METHODS OF TREATING A CONDITION BY STIMULATION OR INHIBITION OF
EPITHELIAL CELL GROWTH USING KERATINOCYTE GROWTH FACTOR

TRANSMITTAL FORM; AMENDMENT; FEE TRANSMITTAL ; PETITION FOR THREE MONTH
EXTENSION OF TIME (\$920 FEE) ; NOTICE OF APPEAL (\$320 FEE); AND
CHECK NO. 010827 FOR \$1,240.00

File in Mail Room

Date Due: September 12, 2002

Inspected by: HL

Return to PDG/knc

hc *AB*
DOCKETED

Invoice Number

Date

Amount

38163/0010

9/10/2002

\$1,240.00

VENDOR CODE: 31050 COMMISSIONER FOR PATENTS
CHECK DATE: 09/10/2002
DC Operating

CHECK NUMBER: 10827
CHECK REQUEST: 299037
CHECK AMOUNT: \$1,240.00

HellerEhrman
ATTORNEYS

Heller Ehrman White & McAuliffe LLP
1666 K Street, NW
Suite 300
Washington, D.C. 20006-1228

BB&T

Branch Banking & Trust Co.
801 13th Street, Northwest
Washington, D.C. 20005

15-164
540

10827

010827

Check Date: 09/10/2002

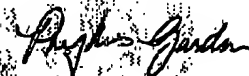
PAY ONLY: *****\$1,240.00

PAY ONE THOUSAND TWO HUNDRED FORTY DOLLARS AND 00 CENTS

COUNTER SIGNATURE REQUIRED FOR AMOUNTS OVER \$2,500

TO
THE
ORDER
OF

COMMISSIONER FOR PATENTS
UNITED STATES PATENT & TRADEMARK OFFICE
WASHINGTON, DC 20231



AUTHORIZED SIGNATURE

Serial No. 08/455,995
38163-0010

⑈010827⑈ ⑆054001547⑆5162069235⑈

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1240

Complete if Known

Application Number 08/455,975
Filing Date May 31, 1995
First Named Inventor Jeffrey S. RUBIN et al.
Examiner Name C. Saoud
Group / Art Unit 1647
Attorney Docket No. 38163-0010

RECEIVED

NOV 01 2002

TECH CENTER 1600/2900

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

08-1641

Deposit
Account
Name

HELLER EHRMAN WHITE & MCAULIFFE

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status,
See 37 CFR 1.27

2. ☒ Payment Enclosed:

- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
209	219	0	18
Independent Claims	17	18	0
Multiple Dependent			0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

*or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

Large Entity Fee Code	Fee (\$)	Small Entity Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,940*	113	1,940*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	920
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	320
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	480	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (1)	
126	180	126	180	Submission of Information Disclosure Sheet	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
168	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 1240

SUBMITTED BY

Name (Print/Type)	Patricia D. Granados	Registration No. Attorney/Agent)	33,683	Telephone	202-612-2142
Signature	<i>Patricia D. Granados</i>			Date	Sept 12, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/455,975	05/31/1995	JEFFREY S. RUBIN	40399/299/NI	9287

26633 7590 10/28/2002

HELLER EHRMAN WHITE & MCAULIFFE LLP
1666 K STREET, NW
SUITE 300
WASHINGTON, DC 20006

EXAMINER
SAUD, CHRISTINI J

ART UNIT	PAGE NUMBER
1647	

DATE MAILED: 10/28/2002

201

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of AbandonmentApplication No.
08/455,976Applicant(s)
RUBIN et al.Examiner
Christine SaoudArt Unit
1647

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on Mar 12, 2002.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted issue fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d) is \$ _____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.